

Plaintiff's Name Prentice R. Thomas

Inmate No. 1202598 / 2225682

Address P.O. Box 872, FRESNO

California 93712

**FILED**

**JAN 05 2023**

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY *ESM*

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Prentice Ray Thomas

(Name of Plaintiff)

1:22-cv-01492-Bam

(Case Number)

vs.

Prentice Ray Thomas

*1ST*  
AMENDED CIVIL RIGHTS COMPLAINT UNDER:

42 U.S.C. 1983 (State Prisoner)

Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

*008*

**RECEIVED**

*JAN 05 2023*

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY *ESM* DEPUTY CLERK

Fresno Police Department

(Names of all Defendants)

**I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):**

A. Have you brought any other lawsuits while a prisoner? Yes        No ✓

B. If your answer to A is yes, how many? \_\_\_\_\_

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

1. Parties to this previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if Federal Court, give name of District; if State Court, give name of County)

\_\_\_\_\_

3. Docket Number \_\_\_\_\_

4. Assigned Judge \_\_\_\_\_

5. Disposition (Was the case dismissed?Appealed? Is it still pending?)

\_\_\_\_\_

B. Name JUSTIN GARCIA (P1019) is employed as AN OFFICER OF FRESNO POLICE DEPARTMENT

Current Address/Place of Employment 2323 MAR. POSA ST, FRESNO, CA. 93721

C. Name ADRIANA PONCE (P1716) is employed as AN OFFICER OF FRESNO POLICE DEPARTMENT

Current Address/Place of Employment 2323 MAR. POSA ST, FRESNO, CA. 93721

D. Name Lily HITCHNER is employed as A MEDICAL DOCTOR @ C.R.M.C.

Current Address/Place of Employment 2823 FRESNO ST, FRESNO, CA. 93721

E. Name \_\_\_\_\_ is employed as \_\_\_\_\_

Current Address/Place of Employment \_\_\_\_\_

**IV. Causes of Action** (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

Claim 1: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

Right to Adequate Medical Care, Freedom from Cruel and unusual punishment, Gross Negligence, Causing Severe injury, Medical Malpractice.

Supporting Facts (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 1.):

ON 08.30.22, Lily HITCHNER A M.D. @ C.R.M.C. WAS WORKING IN THE EMERGENCY ROOM, WHEN I PRENTICE THOMAS WAS TRANSPORTED IN CUSTODY BY FRESNO P.D. OFFICERS JUSTIN GARCIA P1019 AND ADRIANA PONCE P1716 FOR MEDICAL EVALUATION FOR CHEST PAIN AND OTHER INJURIES SUSTAINED DURING ARREST AND TRANSPORT. Lily Hitchner Administered a LETHAL dose of NITRO GLYCERIN

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WHICH HAVING NO Medical history or pain Contracter with Myself  
WAS NEGLIGENT IN Her diagnosis / Administration of The NitroGlycerin  
OFFICER Garcia and Officer DANCE Hindered My Medical  
Evaluation and proper diagnosis and immediately transported  
Me to Fresno County Jail where Fresno County Sheriff  
deputies found Me unresponsive in a Holding Cell.  
I WAS THEN Re-Transported back to C.R.M.C. And  
Admitted to The Hospital where Ms HITCHNER Failed  
to disclose Her Administering of a NitroGlycerin  
which Contributed to my being Found unresponsive  
in A Holding Cell

Claim 2: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

ACCESS TO Adequate Medical Care, Freedom from  
Cruel and unusual punishment.

Supporting Facts (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 2.):

OFFICER JUSTIN GARCIA (p2019) OF FRESNO P.D. Along  
WITH OFFICER ADRIANA DANCE (p1716) Hindered My  
Medical Evaluation by NOT ALLOWING ME TO COMMUNICATE  
WITH MEDICAL STAFF AND BY BEING HOSTILE TOWARD  
THE MEDICAL STAFF RUDE AND UNPROFESSIONAL  
CAUSING CRUEL AND UNUSUAL PUNISHMENT IN THE  
FORM OF RETALIATION / REPRISAL IN THE ADMINISTERING  
OF A NITROGLYCERIN. DELECTION OF DUTIES  
CAUSING SEVERE INJURY.

**V. Relief**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

BECAUSE OF THE DIRECT HARMFUL LEVEL OF CARE By Lily  
HITCHNER PLAINTIFF IS SEEKING A JUDGEMENT OF  
One Million Dollars (\$1,000,000)

FOR OFFICERS VIOLATION OF MY CIVIL RIGHTS PLAINTIFF IS ALSO  
SEEKING A JUDGEMENT OF ONE MILLION DOLLARS (\$1,000,000).

\*PLEASE NOTE PLAINTIFF IS A DETAINEE IN FRENO COUNTY JAIL.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 12-27-22

Signature of Plaintiff: Prentice R. Thomas

(Revised 4/4/14)

## II. Exhaustion of Administrative Remedies

**NOTICE:** Pursuant to the Prison Litigation Reform Act of 1995, “[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1199 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes  No

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes  No

C. Is the process completed?

Yes  If your answer is yes, briefly explain what happened at each level.

Pro Se Prentice HAS Filed An COMPLAINT WITH THE DEPARTMENT OF PUBLIC HEALTH FOR THE ACTION OF C.R.M.C CASE # CA-008 08845

AND FOR THE ACTION OF THE FRESNO POLICE DEPARTMENT

A COMPLAINT HAS BE FILED WITH INTERNAL AFFAIRS IA# 2022-0103

No  If your answer is no, explain why not.

## III. Defendants

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name COMMUNITY REGIONAL MED is employed as C.R.M.C.

Current Address/Place of Employment 2823 FRESNO STREET FRESNO CA. 93721